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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant(s):** Keiji Shioda, et al.

**Examiner:** Aaron F. Roane

**Serial No:** 09/837,787

**Art Unit:** 3739

**Filed:** April 18, 2001

**Docket:** 14528

**For:** OPERATION MICROSCOPE

**Dated:** October 30, 2003

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO SPECIES ELECTION**

Sir:

Pursuant to the election requirement imposed in the Official Action dated June 30, 2003, Applicants elect the claims of Species 1, i.e., Claims 26, 27, 29, 33-38, 40, 56-61, 63, 79-84, 86, 102-107, 109, 125-131, 133, 149-155, and 157 for continued prosecution herein.

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 30, 2003.

Dated: October 30, 2003

  
Thomas Spinelli

Claims 26-172 are present in the above-captioned application and have been subjected to a species election under 35 U.S.C. § 121. Specifically, the Official Action avers that the following patentably distinct species of the claimed invention are present in the claims:

Species 1, characterized by Figures 1-8;  
Species 2, characterized by Figures 10-12;<sup>1</sup>  
Species 3, characterized by Figures 13 and 14;  
Species 4, characterized by Figures 15-17;  
Species 5, characterized by Figures 18-20;  
Species 6, characterized by Figures 21-28;  
Species 7, characterized by Figures 29-32;  
Species 8, characterized by Figures 33-37;  
Species 9, characterized by Figures 38-43;  
Species 10, characterized by Figures 44-46;  
Species 11, characterized by Figures 47 and 48;  
Species 12, characterized by Figures 49-52;  
Species 13, characterized by Figures 53A-60;  
Species 14, characterized by Figures 61-66;  
Species 15, characterized by Figures 67A-72;  
Species 16, characterized by Figures 73-78B;  
Species 17, characterized by Figures 79-83; and  
Species 18, characterized by Figures 84-91.

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<sup>1</sup> Applicants assume that Figure 9 is also included in the second species since it is directed to the same embodiment as Figures 10-12.

It is the Examiner's position that the species listed as Species 1-18 are patentably distinct from each other.

In response to the Examiner's requirement for species election, Applicants elect to prosecute the subject matter of Species 1, Claims 26, 27, 29, 33-38, 40, 56-61, 63, 79-84, 86, 102-107, 109, 125-131, 133, 149-155, and 157. However, Applicants reserve the right under 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected subject matter in this application.

In view of the foregoing, an examination on the merits of the elected claims, at an early date, is earnestly solicited.

Respectfully submitted,



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